

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

Peter T. Dalleo
CLERK OF COURT

LOCKBOX 18
844 KING STREET
U.S. COURTHOUSE
WILMINGTON, DELAWARE 19801
(302) 573-6170

August 9, 2006

TO: Charles Francis Cardone
SBI #098159
DCC

**RE: Response to Letter dated 8/1/06 Regarding Filing Fees
Paid by Plaintiff Charles F. Cardone in CA 05-536 KAJ and
CA 05-600 KAJ**

Dear Mr. Cardone:

The Clerk's office is in receipt of the above referenced letter (copy enclosed).

Our financial records support the information that you provided in referenced letter, in that the \$250.00 civil filing fees (in each of the civil actions cited above) have been paid in full.

The filing fee that was submitted to the Court and receipted by the Clerk's Office on 7/27/06, however, was accepted as a partial payment on the \$255.00 filing fee assessed by the U.S. Court of Appeals for the Third Circuit, by order in Appeal Case No. 06-2358, dated 5/26/06. A copy of this order is enclosed. At present there is a \$222.00 balance due on the appeal fees, payable to the U.S. District Court. Docket sheets are also provided for reference.

Nothing contained in this letter is intended to express an opinion as to the merits of any claim which you might be alleging.

Sincerely,

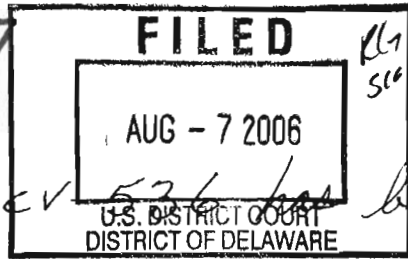
/rbe

cc: ✓ CA 05-536 KAJ
CA 05-600 KAJ

PETER T. DALLEO
CLERK

Financial Administrator, U.S. District Court
Business Office, DCC

COPY



Aug. 1, 06

(68)

1:05-cv-536 has been paid, in full, by plaintiff Charles Cardone via 2 checks. A ~~Treasurer's~~ Treasurer's Check dated March 10, 2006, No. —

231206 and a PNC Bank Check

from DE Correctional CTR CK[#] 8047 (\$20.10) with DE District Court's # 141019-EW October, 28, 2005. The above Treasurer's Check in the amount of \$229.90 and prison's PNC Bank Check in the amount of \$20.10 equals the \$250.00 filing fee for the above CA No. Send my \$33.00 back to me C/O Business Office and include my SBI # 098159 on the government Check.

P.S. 1:05-cv-536 and
1:05-cv-600 are paid
in full.

Charles F. Cardone
SBI # 098159
DCC prison

Other Events

1:05-cv-00536-KAJ Cardone v. Hammond et al

U.S. District Court

District of Delaware

Notice of Electronic Filing

The following transaction was received from rpg, entered on 7/28/2006 at 8:22 AM EDT and filed on 7/27/2006

Case Name: Cardone v. Hammond et al

Case Number: 1:05-cv-536

Filer: Charles F. Cardone

Document Number:

Docket Text:

Partial Filing Fee Received from Charles F. Cardone: \$ 33.00, receipt number 144204 (copy to business office) (rpg,)

The following document(s) are associated with this transaction:

1:05-cv-536 Notice will be electronically mailed to:

Lisa Ann Barchi lisa.barchi@state.de.us,

Dana Spring Monzo dmonzo@mccmck.com

1:05-cv-536 Notice will be delivered by other means to:

Charles F. Cardone
SBI #098159
Delaware Correctional Center
1182 Paddock Road
Smyrna, DE 19977

Code	Amount
FLS:00	33.00 CH
Total	33.00
FROM:	

CA 05-536-KAJ
CASE #4

CHARLES F. CARDONE V. BAKER ET AL

CA 05-600
CASE #5

[illegible]

CHARLES F. CARDONE V. HAMMOND.

CA 05-536/05-600 CONSOLIDATED
APPEAL No. 06-2358

[illegible]

69

FPS-305

DATE: May 26, 2006

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 06-2358

Cardone v. Hammond
(District of Delaware No. 05-cv-0536)

To: Clerk

1) Application to Proceed In Forma Pauperis

The foregoing motion to proceed in forma pauperis is granted. Appellant is a prisoner and seeks to proceed in forma pauperis on appeal. Appellant is required to pay the full \$255.00 fee in installments regardless of the outcome of the appeal. Appellant has completed and filed the required authorization form permitting the appropriate prison officials to assess, collect and forward to the District Court the filing and docketing fees for this appeal pursuant to 28 U.S.C. §§ 1915(b)(1) and (2). The Court hereby directs the warden or his or her designee to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to the prisoner's account; or (b) the average monthly balance in the prisoner's account for the six month period immediately preceding the filing of the notice of appeal. The warden, or his or her designee, shall calculate, collect, and forward the initial payment assessed in this order to the United States District Court for the District of Delaware. In each succeeding month when the amount in the prisoner's account exceeds \$10.00, the warden, or his or her designee, shall forward payments to the United States District Court for the District of Delaware equaling 20% of the preceding month's income credited to the prisoner's account until the fees are paid. Each payment shall reference the appellate docket number for this appeal. The appeal will be submitted to a panel of this court for determination under 28 U.S.C. § 1915(e)(2).

For the Court,

/s/Marcia M. Waldron
Clerk

Dated: May 31, 2006
CLC/cc: Mr. Charles F. Cardone

Lisa Barchi, Esq.

*Marcia M. Waldron*

Marcia M. Waldron, Clerk

CC: Finance
Bu. Off: cc DC
Mr. Cardone

LEAD, PaperDocuments

**U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:05-cv-00536-KAJ
Internal Use Only**

Cardone v. Hammond et al
Assigned to: Honorable Kent A. Jordan
Lead case: 1:05-cv-00536-KAJ
Member case:
1:05-cv-00600-KAJ

Date Filed: 07/26/2005
Jury Demand: Both
Nature of Suit: 555 Prisoner: Prison
Conditions
Jurisdiction: Federal Question

Related Cases: 1:02-cv-01609-KAJ
1:03-cv-00514-KAJ
1:05-cv-00600-KAJ
1:06-cv-00127-KAJ
1:06-cv-00177-KAJ
1:06-cv-00151-KAJ
1:06-cv-00152-KAJ

Cause: 42:1983 Prisoner Civil Rights

Plaintiff

Charles F. Cardone

represented by **Charles F. Cardone**
SBI #098159
Delaware Correctional Center
1182 Paddock Road
Smyrna, DE 19977
PRO SE

V.

Defendant

Correction Officer Hammond

represented by **Lisa Ann Barchi**
Department of Justice
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8363
Fax: (302) 577-5688
Email: lisa.barchi@state.de.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Correction Officer Morgan

represented by **Lisa Ann Barchi**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Stan Taylor

TERMINATED: 03/17/2006

Defendant

Paul Howard

TERMINATED: 03/17/2006

Defendant

Gov. Ruth Ann Minner

TERMINATED: 03/17/2006

Defendant

First Correctional Medical

Georgetown and Smyrna Prisons

represented by **Dana Spring Monzo**
McCullough & McKenty, P.A.
1225 North King Street, Suite 1100
P.O. Box 397
Wilmington, DE 19899-0397
(302) 655-6749
Fax: (302) 655-6827
Email: dmonzo@mccmck.com
ATTORNEY TO BE NOTICED

Defendant

C/O Jonathon Baker

represented by **Lisa Ann Barchi**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

C/O Floyd

TERMINATED: 03/17/2006

Defendant

C/O Chaffinch

represented by **Lisa Ann Barchi**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Nurse Sally

First Correctional Nurse SCI

represented by **Dana Spring Monzo**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

T. Henley Graves

TERMINATED: 03/17/2006

Defendant

C/O Drugash

represented by **Lisa Ann Barchi**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

C/O Morris

represented by **Lisa Ann Barchi**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

C/O Hazel

represented by **Lisa Ann Barchi**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Chief Justice Myron Steele
TERMINATED: 03/17/2006

Defendant

Jim Lupinetti
DOC Internal Affairs

represented by **Lisa Ann Barchi**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Jack Sines
DOC Internal Affairs
TERMINATED: 03/17/2006

Defendant

Warden Kearney
SCI
TERMINATED: 03/17/2006

Defendant

**Commandant of Delaware State
Police Troop 4**
TERMINATED: 03/17/2006

Defendant

CPT Timothy Winstead
TERMINATED: 03/17/2006

Defendant

C/O Floyd

represented by **Lisa Ann Barchi**
(See above for address)

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
07/25/2005	<u>1</u>	MOTION for Leave to Proceed in forma pauperis - filed by Charles F. Cardone. (Attachments: # <u>1</u> Request for Trust Fund Account)(els,) (Entered: 07/27/2005)
07/25/2005	<u>2</u>	COMPLAINT filed pursuant to 42:1983 with Jury Demand against Paul Howard, Ruth Ann Minner, First Correctional Medical, Jonathon Baker, Floyd, Chaffinch, Nurse Sally, T. Henley Graves, Drugash, Morris, Hazel, Myron Steele, Jim Lupinetti, Jack Sines, Kearney, Hammond, Morgan, Stan Taylor - filed by Charles F. Cardone. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3 part1# <u>4</u> Exhibit 3 part 2# <u>5</u> Exhibit 4# <u>6</u> Exhibit 5)(els,) Additional attachment(s)(Exhibit 1 replaced on 8/2/2005 (dab,). Modified on 8/2/2005 (dab,). (Entered: 07/27/2005)
08/03/2005	<u>3</u>	Case assigned to Judge Kent A. Jordan. Please include the initials of the Judge (KAJ) after the case number on all documents filed. (rjb,) (Entered: 08/03/2005)
08/05/2005	<u>3</u>	ORDER granting Motion to Proceed IFP. Filing Fee of \$250.00 Assessed. Plaintiff requested to submit certified trust account statement. Failure to submit items within 30 days will result in dismissal of action without prejudice. (Copy to pltf. with Mag. Consent Form) Notice of Compliance deadline set for 9/6/2005. Signed by Judge Kent A. Jordan on 8/5/05. (rwc,) (Entered: 08/05/2005)
08/15/2005	<u>4</u>	AMENDED COMPLAINT - filed against Commandant of Delaware State Police Troop 4- filed by Charles F. Cardone.(rwc,) (Entered: 08/16/2005)
08/15/2005	<u>5</u>	Trust Fund Account Statement filed by Charles F. Cardone (rwc,) (Entered: 08/16/2005)
08/25/2005	<u>6</u>	ORDER - that an initial partial filing fee of \$20.10 shall be required. Plaintiff shall return the attached payment authorization within 30 days. Failure to return payment authorization shall result in dismissal of action without prejudice. (Copy to pltf. with Mag. Consent Form) Notice of Compliance deadline set for 9/26/2005. Signed by Judge Kent A. Jordan on 8/25/05. (rwc,) (Entered: 08/25/2005)
09/02/2005	<u>7</u>	Letter dated 8/27/05 to Clerk from Charles Cardone regarding enclosed authorization form. (rwc,) (Entered: 09/06/2005)
09/02/2005	<u>8</u>	Authorization by Charles F. Cardone requesting Prison Business Office to disburse payments to the Clerk of the Court. (copy of assessment order and authorization to Prison Business Office) (rwc,) (Entered: 09/06/2005)
09/02/2005	<u>9</u>	Letter dated 8/27/05 to Clerk from Charles F. Cardone regarding

		questions concerning actions CA 05-536 & CA 05-600 and request for copywork. (rwc,) (Entered: 09/06/2005)
09/06/2005	● <u>10</u>	Letter dated 9/6/05 to Charles F. Cardone from Clerk regarding response to letters dated 8/27/05. (rwc,) (Entered: 09/06/2005)
09/12/2005	● <u>11</u>	Letter dated 9/6/05 to Clerk from Charles Cardone regarding request to add Cpt Timothy Winstead as defendant and 3rd request for copywork. (rwc,) (Entered: 09/13/2005)
09/12/2005		***Party Timothy Winstead added. (rwc,) (Entered: 09/13/2005)
09/30/2005	● <u>12</u>	Letter dated 9/22/054 to Clerk from Charles Cardone regarding request for status. (rwc,) (Entered: 09/30/2005)
09/30/2005	● <u>13</u>	Letter dated 9/30/05 to Charles Cardone from Clerk enclosing docket sheets in response to requests for status. (rwc,) (Entered: 09/30/2005)
10/04/2005	● <u>14</u>	Letter dated 9/29/05 to clerk from Charles Cardone regarding copywork request. (rwc,) (Entered: 10/04/2005)
10/04/2005	● <u>15</u>	Letter dated 10/4/05 to Charles Cardone from Clerk regarding response to DI# <u>12</u> Letter. (rwc,) (Entered: 10/04/2005)
10/07/2005	● <u>16</u>	Letter dated 10/4/05 to Clerk from Charles F. Cardone requesting advice concerning filing fees. (rwc,) (Entered: 10/12/2005)
10/12/2005	● <u>17</u>	Letter to Charles F. Cardone from Clerk regarding response to letter dated 10/4/05. (rwc,) (Entered: 10/12/2005)
10/14/2005	● <u>18</u>	LETTER MOTION to Appoint Counsel - filed by Charles F. Cardone. (rwc,) (Entered: 10/17/2005)
10/28/2005	●	Partial Filing Fee Received from Charles F. Cardone: \$ 20.10, receipt number 141019 (rbe,) (Entered: 10/28/2005)
10/31/2005	● <u>19</u>	AMENDMENT TO COMPLAINT against all defendants - adding Jury Demand and new defendant: C/O Floyd- filed by Charles F. Cardone. (rwc,) (Entered: 11/01/2005)
10/31/2005		***Party C/O Floyd added. (rwc,) (Entered: 11/01/2005)
11/01/2005	●	Remark - Blank Magistrate Consent AO 85 forms sent to Plaintiff as requested per letter dated 10/25/05. (rwc,) (Entered: 11/01/2005)
11/01/2005	● <u>20</u>	Letter dated 10/29/05 to Clerk from Charles F. Cardone requesting status of check sent for copywork request, items requested to be copied, request whether Court received motion for appointment of counsel, and attached grievance concerning law library request, and request for 1 copy of all supplemental materials submitted to the Court. (rwc,) (Entered: 11/03/2005)
11/04/2005	● <u>22</u>	SECOND AMENDMENT TO COMPLAINT against all defendants- filed by Charles F. Cardone.(rwc,) (Entered: 11/07/2005)
11/07/2005	● <u>21</u>	Letter dated 11/7/05 to Charles F. Cardone from Clerk regarding

		response to Letter dated 10/29/05. (rwc,) Modified on 11/16/2005 (rwc,). (Entered: 11/07/2005)
11/07/2005	23	Letter dated 10/9/05 (received 11/7/05) to Clerk from Charles Cardone regarding check enclosed for copywork request. (receipt and copies of items requested sent 11/7/05) (rwc,) (Entered: 11/07/2005)
11/16/2005	24	Letter dated 11/7/05 to Clerk from Charles Cardone requesting acknowledgement of receipt of documents filed, and status of cases. (rwc,) (Entered: 11/17/2005)
11/17/2005	25	Letter dated 11/17/05 to Charles Cardone from Clerk regarding response to - re 24 Letter. (rwc,) (Entered: 11/17/2005)
01/09/2006	26	Letter dated 12/30/05 to Clerk from Charles Cardone regarding request for copywork and status. (rwc,) (Entered: 01/10/2006)
01/12/2006	27	Letter dated 1/12/06 to Charles F. Cardone from Clerk regarding response to letter dated 12/30/05. (rwc,) (Entered: 01/12/2006)
01/20/2006	28	Letter dated 1/7/06 to Clerk from Charles F. Cardone requesting 60-day extension for service, (note: service order not yet issued). (rwc,) (Entered: 01/23/2006)
01/20/2006	29	Letter dated 1/12/06 to Clerk from Charles F. Cardone regarding grievance that Law Library will not issue US Marshal forms until service order issues. (rwc,) (Entered: 01/23/2006)
01/26/2006	30	Letter dated 1/26/06 to Charles F. Cardone from Clerk regarding response to letter dated 1/7/06. (rwc,) (Entered: 01/26/2006)
01/31/2006	31	FOURTH AMENDED COMPLAINT against all defendants- filed by Charles F. Cardone.(rwc,) (Entered: 01/31/2006)
02/24/2006		***Set Paper Documents Flag (rbe,) (Entered: 02/24/2006)
02/28/2006	32	Letter dated 2/28/06 to Charles F. Cardone from Clerk regarding overpayment of filing fee - check returned. (Attachments: # 1 attachment to letter)(rwc,) (Entered: 02/28/2006)
03/16/2006		Partial Filing Fee Received from Charles F. Cardone: \$ 229.90, receipt number 142747 FILING FEE PAID IN FULL (copy to business office) (rbe,) (Entered: 03/16/2006)
03/17/2006	33	ORDER: civil case nos. 05-536 and 05-600 are consolidated for all purposes; all court pleadings and documents shall be filed ONLY in 05-536 . Signed by Judge Kent A. Jordan on 3/17/06. (ntl,) (Entered: 03/17/2006)
03/17/2006		***Set Lead Flag (ntl,) (Entered: 03/17/2006)
03/17/2006	34	MEMORANDUM ORDER: motion for appointment of counsel (D.I. 18) is DENIED; the claims against defendants Taylor, Howard, Minner, Graves, Steele, Sines, Kearney, Winstead and Fenney are dismissed without prejudice; plaintiff's Eighth Amendment claims will proceed

		against defendants Hammond, Morgan, First Correctional Medical, Baker, Floyd, Chaffinch, Sally, Drugash, Morris, Hazel, and Lupinetti; plaintiff shall return to Clerk original USM 285 form(s). Upon receipt, the U.S. Marshal shall serve process as directed by plaintiff. (Copy to pltf.), T. Henley Graves; Paul Howard; Kearney; Ruth Ann Minner; Jack Sines; Myron Steele; Stan Taylor; Timothy Winstead, Commandant of Delaware State Police Troop 4 are terminated. Signed by Judge Kent A. Jordan on 3/17/06. (ntl,) (Entered: 03/17/2006)
03/29/2006	<u>35</u>	Letter dated 3/20/06 to Clerk from Charles Cardon regarding enclosed miscellaneous documents for Judge and Jury to consider as evidence and in support of excessive force allegations.. (rwc,) (Entered: 03/29/2006)
03/29/2006	<u>35</u>	NOTICE of filing the following document(s) in paper format: Miscellaneous Papers submitted by Plaintiff as evidence in support of excessive force claim. Original document(s) on file in Clerk's Office. Notice filed by Charles F. Cardone (rwc,) (Entered: 03/29/2006)
03/29/2006	<u>36</u>	EXHIBITS - Miscellaneous Papers submitted by Plaintiff as evidence in support of excessive force claim, re <u>2</u> Complaint - filed by Charles F. Cardone. (rwc,) (Entered: 03/29/2006)
04/16/2006	<u>38</u>	NOTICE OF APPEAL - of <u>34</u> Memorandum Order - filed by Charles F. Cardone. No filing fee or IFP application rec'd. (rwc,) (Entered: 04/19/2006)
04/19/2006	<u>37</u>	USCA Letter to District Court Clerk regarding D. I. # 34 (Attachments: # <u>1</u>)(ic,) (Entered: 04/19/2006)
04/21/2006	<u>39</u>	NOTICE of Docketing Record on Appeal from USCA for the Federal Circuit re <u>38</u> Notice of Appeal filed by Charles F. Cardone. USCA Case Number 06-2358 (cc,) (Entered: 04/21/2006)
05/01/2006	<u>40</u>	ACKNOWLEDGEMENT OF RECEIPT of USM 285 forms by Clerk. (rwc,) (Entered: 05/02/2006)
05/02/2006	<u>40</u>	Remark : Exit service to US Marshal per Order DI# 34. (rwc,) (Entered: 05/02/2006)
05/17/2006	<u>41</u>	WAIVER OF SERVICE with 285 form returned executed For Drugash waiver sent on 5/8/2006, answer due 7/7/2006. (rwc,) (Entered: 05/17/2006)
05/17/2006	<u>42</u>	WAIVER OF SERVICE with 285 form returned executed For Morgan waiver sent on 5/8/2006, answer due 7/7/2006. (rwc,) (Entered: 05/17/2006)
05/18/2006	<u>43</u>	Return of Service Executed as to DE Attorney General. (rwc,) (Entered: 05/18/2006)
05/19/2006	<u>44</u>	WAIVER OF SERVICE with 285 form returned executed For Nurse Sally waiver sent on 5/8/2006, answer due 7/7/2006. (rwc,) (Entered: 05/19/2006)

05/25/2006	<u>45</u>	WAIVER OF SERVICE with 285 form returned executed For First Correctional Medical waiver sent on 5/8/2006, answer due 7/7/2006. (rwc,) (Entered: 05/25/2006)
05/25/2006	<u>46</u>	WAIVER OF SERVICE with 285 form returned executed For Jim Lupinetti waiver sent on 5/8/2006, answer due 7/7/2006. (rwc,) (Entered: 05/25/2006)
05/25/2006	<u>47</u>	WAIVER OF SERVICE with 285 form returned executed For Chaffinch waiver sent on 5/8/2006, answer due 7/7/2006. (rwc,) (Entered: 05/25/2006)
05/31/2006	<u>48</u>	WAIVER OF SERVICE with 285 form returned executed For Hazel waiver sent on 5/8/2006, answer due 7/7/2006. (rwc,) (Entered: 05/31/2006)
06/05/2006	<u>49</u>	WAIVER OF SERVICE with 285 form returned executed by C/O Floyd: For C/O Floyd waiver sent on 5/8/2006, answer due 7/7/2006. (rwc,) (Entered: 06/05/2006)
07/07/2006	<u>50</u>	NOTICE of Appearance by Lisa Ann Barchi on behalf of Chaffinch, Drugash, Hazel, Jim Lupinetti, C/O Floyd, Morgan (Barchi, Lisa) (Entered: 07/07/2006)
07/07/2006	<u>51</u>	ANSWER to <u>4</u> Amended Complaint - by Chaffinch, Drugash, Hazel, Jim Lupinetti, C/O Floyd, Morgan.(Barchi, Lisa) Modified on 7/7/2006 (rwc,). (Entered: 07/07/2006)
07/07/2006	<u>52</u>	NOTICE of Appearance by Dana Spring Monzo on behalf of First Correctional Medical, Nurse Sally (Monzo, Dana) (Entered: 07/07/2006)
07/07/2006	<u>53</u>	ANSWER to Amended Complaint with Jury Demand, ANSWER to Amended Complaint with Jury Demand, ANSWER to Complaint with Jury Demand, ANSWER to Amended Complaint with Jury Demand by First Correctional Medical, Nurse Sally.(Monzo, Dana) (Entered: 07/07/2006)
07/11/2006	<u>54</u>	Letter dated 7/11/06 to Charles Cardone, Lisa Barchi, Esq., and Dana Spring Monzo, Esq., from Judge Jordan regarding Rule 16 Scheduling Conference. (Attachments: # <u>1</u> scheduling form)(rwc,) (Entered: 07/11/2006)
07/12/2006	<u>55</u>	WAIVER OF SERVICE with 285 form returned executed For Morris waiver sent on 5/8/2006, answer due 7/7/2006. (rwc,) (Entered: 07/12/2006)
07/18/2006	<u>56</u>	WAIVER OF SERVICE with 285 form returned executed For Hammond waiver sent on 5/8/2006. (rwc,) (Entered: 07/18/2006)
07/19/2006	<u>57</u>	Renewed MOTION to Appoint Counsel - filed by Charles F. Cardone. (rwc,) (Entered: 07/19/2006)
07/20/2006	<u>58</u>	USCA Order Terminating Appeal as to <u>38</u> Notice of Appeal filed by Charles F. Cardone., USCA Decision: Appeal Dismissed. (tk,) (Entered: 07/20/2006)

		07/20/2006)
07/20/2006	<u>59</u>	WAIVER OF SERVICE returned executed For Jonathon Baker waiver sent on 5/8/2006. (rwc,) (Entered: 07/20/2006)
07/25/2006	<u>60</u>	Letter to The Honorable Kent A. Jordan from Lisa Barchi, Deputy Attorney General regarding August 14, 2006 scheduling conference. (Barchi, Lisa) (Entered: 07/25/2006)
07/25/2006	<u>61</u>	OBJECTIONS by Jonathon Baker, Chaffinch, Drugash, Morris, Hazel, Jim Lupinetti, C/O Floyd, Hammond, Morgan to <u>57</u> MOTION to Appoint Counsel. (Barchi, Lisa) (Entered: 07/25/2006)
07/26/2006	<u>62</u>	NOTICE of Appearance by Lisa Ann Barchi on behalf of Jonathon Baker, Morris, Hammond (Barchi, Lisa) (Entered: 07/26/2006)
07/26/2006	<u>63</u>	Letter to Judge Jordan from Dana Spring Monzo regarding Opposition to Plaintiff's Motion for Appointment of Counsel, D.I. 61. (Monzo, Dana) (Entered: 07/26/2006)
07/26/2006	<u>64</u>	ORDER, Scheduling Teleconference set for 8/14/2006 11:00 AM before Honorable Kent A. Jordan. Signed by Judge Kent A. Jordan on 7/26/06. (rwc,) (Entered: 07/26/2006)
07/27/2006	<u>65</u>	Partial Filing Fee Received from Charles F. Cardone: \$ 33.00, receipt number 144204 (copy to business office) (rpg,) (Entered: 07/28/2006)
08/02/2006	<u>65</u>	Letter to The Honorable Kent A. Jordan from Lisa Barchi regarding Scheduling Conference. (Barchi, Lisa) (Entered: 08/02/2006)
08/07/2006	<u>66</u>	Response to <u>53</u> Answer to Amended Complaint - filed by Charles Cardone. (rwc,) (Entered: 08/07/2006)
08/07/2006	<u>67</u>	STATEMENT in further support of <u>57</u> MOTION to Appoint Counsel - filed by Charles F. Cardone. (rwc,) (Entered: 08/07/2006)
08/07/2006	<u>68</u>	Letter dated 8/1/06 to Clerk from Charles Cardone regarding request for return of filing fee payment. Plaintiff claims filing fee has been paid in full. (rwc,) (Entered: 08/08/2006)
08/08/2006	<u>69</u>	ORDER of USCA dated 5/26/06, granting in forma pauperis. Appellant is required to pay the full \$255.00 fee for Appeal No. 06-2358 in installments regardless of the outcome of the appeal (cc,) Modified on 8/8/2006 (rbe,). (Entered: 08/08/2006)

PaperDocuments

**U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:05-cv-00600-KAJ
Internal Use Only**

Cardone v. Baker et al
Assigned to: Honorable Kent A. Jordan
Lead case: 1:05-cv-00536-KAJ
Member case:
1:05-cv-00600-KAJ

Date Filed: 08/15/2005
Jury Demand: Plaintiff
Nature of Suit: 555 Prisoner: Prison
Conditions
Jurisdiction: Federal Question

Related Cases: 1:00-cv-00118-RRM
1:02-cv-01609-KAJ
1:03-cv-00514-KAJ
1:05-cv-00536-KAJ
1:06-cv-00127-KAJ
1:06-cv-00151-KAJ
1:06-cv-00177-KAJ
1:06-cv-00152-KAJ

Cause: 42:1983 Prisoner Civil Rights

Plaintiff

Charles Francis Cardone

represented by **Charles Francis Cardone**
SBI# 098159
Delaware Correctional Center
1182 Paddock Road
Smyrna, DE 19977
PRO SE

V.

Defendant

C/O Jonathon Baker

Defendant

C/O Chaffinch

Defendant

Warden Richard Kearney








Defendant

CPT Timothy Winstead

Date Filed	#	Docket Text

08/15/2005	<u>1</u>	COMPLAINT filed pursuant to 42:1983 against Jonathon Baker, Chaffinch, Richard Kearney - filed by Charles Francis Cardone.(dab,) (Entered: 08/17/2005)
08/24/2005		Case assigned to Judge Kent A. Jordan. Please include the initials of the Judge (KAJ) after the case number on all documents filed. (rjb,) (Entered: 08/24/2005)
08/25/2005	<u>2</u>	ORDER - Filing Fee of \$250.00 Assessed. Plaintiff requested to submit trust account statement and IFP application. Failure to submit items within 30 days will result in dismissal of action without prejudice. (Copy to pltf. with Mag. Consent Form). Notice of Compliance deadline set for 9/26/2005. Signed by Judge Kent A. Jordan on 8/25/05. (rwc,) (Entered: 08/25/2005)
09/02/2005	<u>3</u>	Letter dated 8/27/05 to Clerk from Charles F. Cardone regarding questions concerning actions CA 05-536 & CA 05-600 and request for copywork. (rwc,) (Entered: 09/06/2005)
09/02/2005	<u>4</u>	MOTION for Leave to Proceed in forma pauperis - filed by Charles Francis Cardone. (rwc,) (Entered: 09/06/2005)
09/02/2005	<u>5</u>	Trust Fund Account Statement filed by Charles Francis Cardone (rwc,) (Entered: 09/06/2005)
09/06/2005	<u>6</u>	Letter dated 9/6/05 to Charles F. Cardone from Clerk regarding response to letters dated 8/27/05. (rwc,) (Entered: 09/06/2005)
09/12/2005	<u>7</u>	Letter dated 9/6/05 to Clerk from Charles Cardone regarding request to add Cpt Timothy Winstead as defendant and 3rd request for copywork. (rwc,) (Entered: 09/13/2005)
09/12/2005		***Party Timothy Winstead added. (rwc,) (Entered: 09/13/2005)
09/12/2005		***Party Timothy Winstead added. (rwc,) (Entered: 09/13/2005)
09/27/2005	<u>8</u>	ORDER - granting Motion to Proceed IFP. An initial partial filing fee of \$20.10 shall be required. Plaintiff shall return the attached payment authorization within 30 days. Failure to return payment authorization shall result in dismissal of action without prejudice. (Copy to pltf. with Mag. Consent Form) Notice of Compliance deadline set for 10/27/2005.. Signed by Judge Kent A. Jordan on 9/27/05. (rwc,) (Entered: 09/27/2005)
09/30/2005	<u>9</u>	Letter dated 9/22/054 to Clerk from Charles Cardone regarding request for status. (rwc,) (Entered: 09/30/2005)
09/30/2005	<u>10</u>	Letter dated 9/30/05 to Charles Cardone from Clerk enclosing docket sheets in response to requests for status. (rwc,) (Entered: 09/30/2005)
10/03/2005	<u>11</u>	Authorization by Charles Francis Cardone requesting Prison Business Office to disburse payments to the Clerk of the Court. (copy of assessment order and authorization to Prison Business Office) (rwc,) (Entered: 10/04/2005)

10/04/2005	<u>12</u>	Letter dated 9/29/05 to clerk from Charles Cardone regarding copywork request. (rwc,) (Entered: 10/04/2005)
10/04/2005	<u>13</u>	Letter dated 10/4/05 to Charles Cardone from Clerk regarding response to DI# <u>12</u> Letter. (rwc,) (Entered: 10/04/2005)
10/07/2005	<u>14</u>	Letter dated 10/4/05 to Clerk from Charles F. Cardone requesting advice concerning filing fees. (rwc,) (Entered: 10/12/2005)
10/12/2005	<u>15</u>	Letter to Charles F. Cardone from Clerk regarding response to letter dated 10/4/05. (rwc,) (Entered: 10/12/2005)
10/14/2005	<u>16</u>	LETTER MOTION to Appoint Counsel - filed by Charles F. Cardone. (rwc,) (Entered: 10/17/2005)
10/31/2005	<u>17</u>	AMENDMENT TO COMPLAINT against all defendants - adding Jury Demand and new defendant: C/O Floyd- filed by Charles F. Cardone. (rwc,) (Entered: 11/01/2005)
10/31/2005		***Party C/O Floyd added. (rwc,) (Entered: 11/01/2005)
11/01/2005	<u>18</u>	Remark - Blank Magistrate Consent AO 85 forms sent to Plaintiff as requested per letter dated 10/25/05. (rwc,) (Entered: 11/01/2005)
11/01/2005	<u>18</u>	Letter dated 10/29/05 to Clerk from Charles F. Cardone requesting status of check sent for copywork request, items requested to be copied, request whether Court received motion for appointment of counsel, and attached grievance concerning law library request, and request for 1 copy of all supplemental materials submitted to the Court. (rwc,) (Entered: 11/03/2005)
11/04/2005	<u>20</u>	SECOND AMENDMENT TO COMPLAINT against all defendants- filed by Charles F. Cardone.(rwc,) (Entered: 11/07/2005)
11/07/2005	<u>19</u>	Letter dated 11/7/05 to Charles F. Cardone from Clerk regarding response to <u>18</u> Letter,. (rwc,) (Entered: 11/07/2005)
11/07/2005	<u>21</u>	Letter dated 10/9/05 (received 11/7/05) to Clerk from Charles Cardone regarding check enclosed for copywork request. (receipt and copies of items requested sent 11/7/05) (rwc,) (Entered: 11/07/2005)
11/16/2005	<u>22</u>	Letter dated 11/7/05 to Clerk from Charles Cardone requesting acknowledgement of receipt of documents filed, and status of cases. (rwc,) (Entered: 11/17/2005)
11/17/2005	<u>23</u>	Letter dated 11/17/05 to Charles Cardone from Clerk regarding response to - re <u>22</u> Letter. (rwc,) (Entered: 11/17/2005)
01/09/2006	<u>24</u>	Letter dated 12/30/05 to Clerk from Charles Cardone regarding request for copywork and status. (rwc,) (Entered: 01/10/2006)
01/12/2006	<u>25</u>	Letter dated 1/12/06 to Charles F. Cardone from Clerk regarding response to letter dated 12/30/05. (rwc,) (Entered: 01/12/2006)
01/20/2006	<u>26</u>	Letter dated 1/7/06 to Clerk from Charles F. Cardone requesting 60-day

		extension for service, (note: service order not yet issued). (rwc,) (Entered: 01/23/2006)
01/20/2006	 <u>27</u>	Letter dated 1/12/06 to Clerk from Charles F. Cardone regarding grievance that Law Library will not issue US Marshal forms until service order issues. (rwc,) (Entered: 01/23/2006)
01/26/2006	 <u>28</u>	Letter dated 1/26/06 to Charles F. Cardone from Clerk regarding response to letter dated 1/7/06. (rwc,) (Entered: 01/26/2006)
01/31/2006	 <u>29</u>	THIRD AMENDED COMPLAINT against all defendants- filed by Charles Francis Cardone.(rwc,) (Entered: 01/31/2006)
02/24/2006		***Set Paper Documents Flag (rbe,) (Entered: 02/24/2006)
02/28/2006		Entire Assessed Filing Fee Received - PAID IN FULL, from Charles Francis Cardone: \$ 250.00, receipt number 142573 (copy to business office) (rbe,) (Entered: 02/28/2006)
03/17/2006	 <u>30</u>	ORDER: civil case nos. 05-536 and 05-600 are consolidated for all purposes; all court pleadings and documents shall be filed ONLY in 05-536 . Signed by Judge Kent A. Jordan on 3/17/06. (ntl,) (Entered: 03/17/2006)
03/17/2006		Case associated with lead case 05cv536 (ntl,) (Entered: 03/17/2006)
05/05/2006		***Motions terminated: <u>16</u> MOTION to Appoint Counsel as moot. (rwc,) (Entered: 05/05/2006)
08/08/2006		CORRECTING ENTRY: Order of USCA dated 5/26/06 was originally docketed in in CA 05-600, as D.I. 31. Since CA 05-600 is a member case of CA 05-536 (Consolidated LEAD case), the order was redocketed in CA 05-536 and applies only to the LEAD case for filing and fee assessment purposes. (rbe,) (Entered: 08/08/2006)